

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:09-CR-125-1BR

UNITED STATES OF AMERICA,

v.

RODERICK ARNEZ WHITAKER.

ORDER

This matter is before the court on defendant's filing dated 28 November 2016. (DE # 78.) In that filing, defendant requests permission to file another 28 U.S.C. § 2255 motion. This court lacks jurisdiction to rule on such a request. See 28 U.S.C. §§ 2244(b)(3)(A) ("Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application."), 2255(h) ("A second or successive motion must be certified as provided in Section 2244 by a panel of the appropriate court of appeals . . ."). The Clerk is DIRECTED to terminate the request and submit it to the Court of Appeals for the Fourth Circuit for consideration.

This 8 December 2016.



W. Earl Britt
Senior U.S. District Judge